

225 937



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

October 27, 2009

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Office of Proceedings
OCT 27 2009
Part of
Public Record

VIA E-FILING

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Abandonment of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 248X)

Dear Ms. Quinlan:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to abandon and discontinue service in this matter on or after November 16, 2009.

Sincerely,

A handwritten signature in black ink, appearing to be "M. H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: All Concerned Parties

O:\Abandonments\33-248X\STB-EHR 102709.doc

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 248X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA
(BONDURANT INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

**Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
(312) 777-2055 (Tel.)
(312) 777-2065 (Fax)**

**Dated: October 27, 2009
Filed: October 27, 2009**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 248X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POLK COUNTY, IA
(BONDURANT INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Bondurant Industrial Lead, from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa (the "Line"). The Line traverses U.S. Postal Service Zip Codes 50317, 50032, 50021, 50009, and 50035. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after November 16, 2009.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

**ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)**

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other

structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves an exempt abandonment of UP's Bondurant Industrial Lead. The Line proposed for abandonment extends from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, in Polk County, Iowa, a total distance of 7.24 miles. A map of the Line is attached as **Attachment No. 1**.

The Line was constructed in the years 1882-1884 by the Wisconsin, Iowa and Nebraska Railway, which later became part of the Chicago Great Western Railway Company and then the Chicago & North Western Railway Company. The Line is currently comprised of 112 and 115 pound jointed rail laid at various times from 1937 through 1961.

The right-of-way proposed for abandonment could be suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, however, the area appears to be adequately served by existing roads and utility lines. There are approximately 85.81 acres of non-reversionary property and 4.6 acres of reversionary property.

Based on the information in our possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

After abandonment, the closest rail service by UP would be available along UP's Mason City Subdivision in Des Moines, Iowa, about eight (8) highway miles west of Bondurant, Iowa. Rail service is also provided by the following railroads in Des Moines, Iowa:

- NS Railway Company
- Iowa Interstate Railroad, Ltd.
- BSNF Railway Company

Additionally, the Des Moines area is well served by major highways - the junction of Interstates 80 and 35 is located adjacent to the west end of the Line. The City of Bondurant, Iowa, is served by U.S. Route 65, and either this route or local roads closely connect to the aforementioned interstates.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the past two (2) years.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given that no traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns.

(3) Land Use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

- Response:** (i) UP is unaware of any adverse effects on local and existing land use plans. The Polk County Board of Supervisors Office has been contacted. To date, UP has received no response. UP also contacted the Department of Natural Resources for the State of Iowa ("DNR"). Their response dated September 30, 2009, is marked **Attachment No. 3** and is hereby made a part hereof. The DNR asks that salvage activities be contingent upon receipt of a Sovereign Land Construction Permit from the DNR. UP will obtain such permit before salvaging the Line. The UP has already notified the Polk County Board of Supervisors with regard to the proposed abandonment. UP or its salvage contractor will also coordinate with the DNR regarding the need for a storm water discharge permit if needed.
- (ii) The U.S. Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has received no response.
- (iii) Not Applicable.
- (iv) The right-of-way proposed for abandonment could be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. However, the area appears to be adequately served by existing roads and utility lines. The Line does contain reversionary

property. There are approximately 85.81 acres of non-reversionary property and 4.6 acres of reversionary property.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.
- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year, or
 - (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv) (A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

- (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents, and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U.S. Fish and Wildlife Service has been contacted, and upon review determined they had no concerns regarding the proposed abandonment. The U.S. Fish and Wildlife Service response is attached as **Attachment No. 4.**

(ii) The National Park Service has been contacted. To date, UP has received no response.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The U. S. Environmental Protection Agency Regional Office and Iowa Environmental Protection Agency have been contacted. To date, UP has received no response.

(ii) The U. S. Army Corps of Engineers has been contacted. Their response dated September 23, 2009, is marked **Attachment No. 5** and is hereby made a part hereof. UP does not anticipate that there will be any requirements for a Section 404 permit.

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The topography varies from level to hilly. Subject corridor is located in a close-in area that lacks public utilities for large scale urban development. The Line is

adjacent to agricultural type land along the majority of the right-of-way. The right-of-way width is generally 100 feet but stretches out to 250 feet in two (2) areas.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no structures on the Line which are 50 years or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: See Attachment No. 1.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP does not have any relevant documentation.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP is of the opinion that there is nothing in the scope of the proposed abandonment or discontinuance of service that merits historical comment and that any archeological sites within the scope of the right-of-way

would have previously been disturbed during the construction and maintenance of the Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

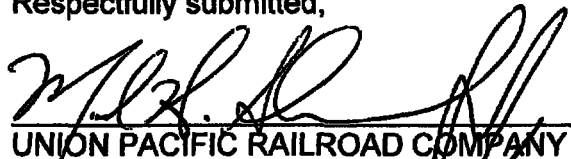
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 27th day of October, 2009.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
(312) 777-2055 (Tel.)
(312) 777-2065 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 248X), the Bondurant Industrial Lead in Polk County, Iowa was served by First Class U.S. Mail, postage prepaid, on the 27th day of October, 2009, on the following parties:

State Clearinghouse (or alternate):

Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency:

Department of Natural Resources
Henry A. Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034

State Coastal Zone Management Agency

(if applicable):

Not applicable.

Head of each County:

Polk County Board of Supervisors
111 Court Avenue
County Administrative Office Bldg.
Des Moines, IA 50309-2218

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Rock Island
Clock Tower Building
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

National Park Service - Midwest Region
1709 Jackson St.
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
693 Federal Bldg.
210 Walnut Street
Des Moines, IA 50309-2180

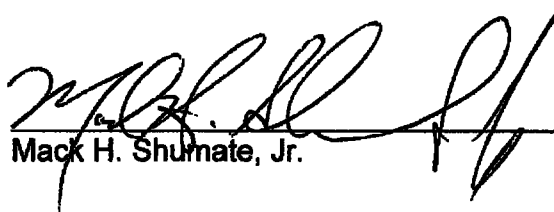
National Geodetic Survey:

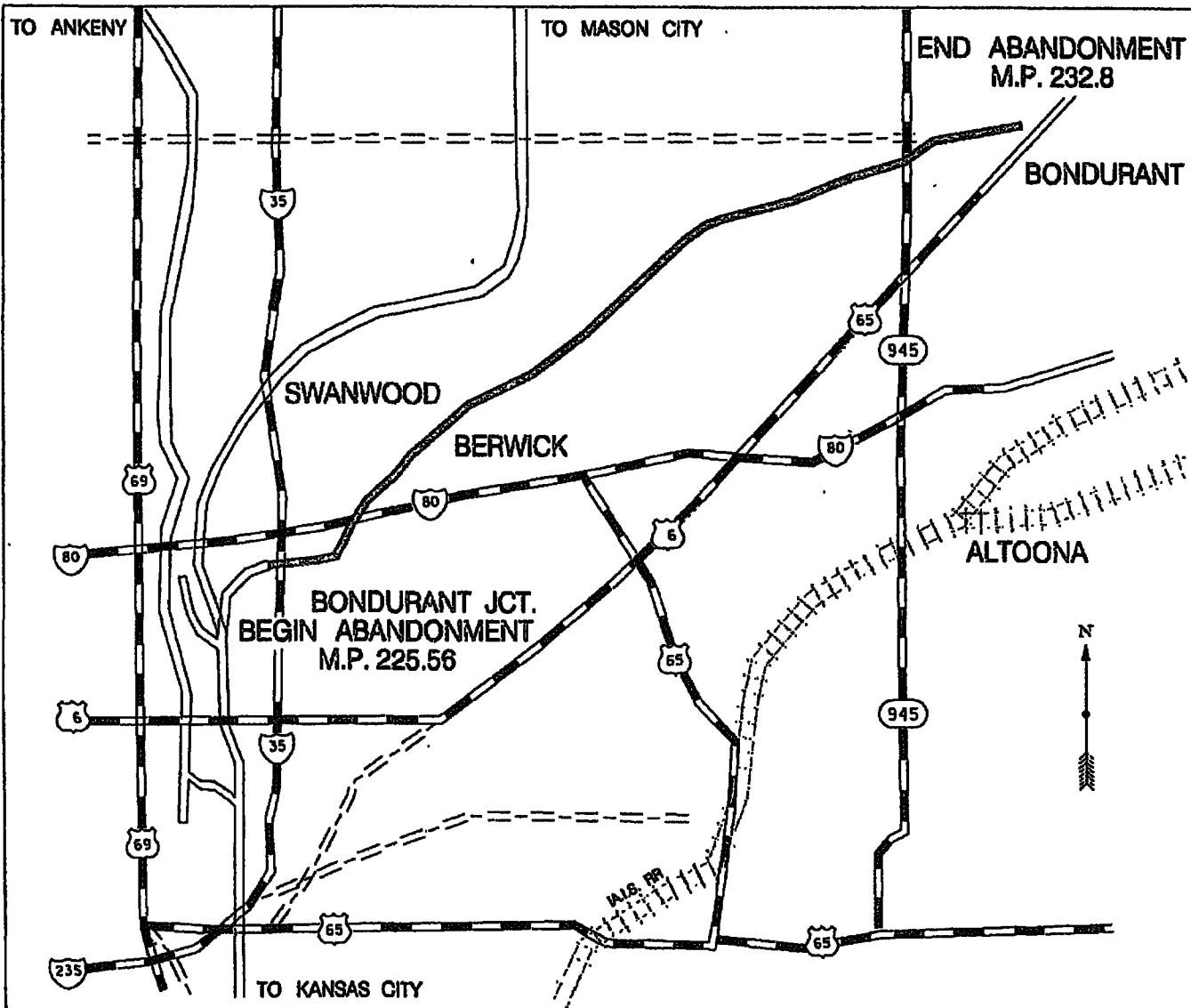
National Geodetic Survey
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

State Historical Society of Iowa
Attn: R&C Coordinator
600 East Locust Street
Des Moines, IA 50319-0290

Dated this 27th day of October, 2009.


Mack H. Shumate, Jr.



STATION	MILE POST	AGENCY
BONDURANT	232.8	NO

NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

- RR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

Bondurant Industrial Lead
 M.P. 225.56 TO M.P. 232.80
 A TOTAL OF 7.24 MILES
 IN POLK COUNTY, IOWA

UNION PACIFIC RAILROAD
BONDURANT INDUSTRIAL LEAD

SCALE 0 .5 1 1.5 2 MILES

September 16, 2009

State Clearinghouse (or alternate):

Division for Community Progress
Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

State Environmental Protection Agency:

Department of Natural Resources
Henry A. Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034

State Coastal Zone Management Agency

(if applicable):

Not applicable.

Head of each County:

Polk County Board of Supervisors
111 Court Avenue
County Administrative Office Bldg.
Des Moines, IA 50309-2218

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
One Federal Drive
Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District, Rock Island
Clock Tower Building
P. O. Box 2004
Rock Island, IL 61204-2004

National Park Service:

National Park Service - Midwest Region
1709 Jackson St.
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
693 Federal Bldg.
210 Walnut Street
Des Moines, IA 50309-2180

National Geodetic Survey:

National Geodetic Survey
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

State Historical Society of Iowa
Attn: R&C Coordinator
600 East Locust Street
Des Moines, IA 50319-0290

Re: Proposed Abandonment of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 248X)

To whom it may concern:

Union Pacific Railroad Company ("UP") plans to request authority from the Surface Transportation Board (STB) to abandon the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa. A map of the proposed track abandonment shown in black is attached.

This letter is sent as a supplement to the initial letter sent December 7, 2006.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any

potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

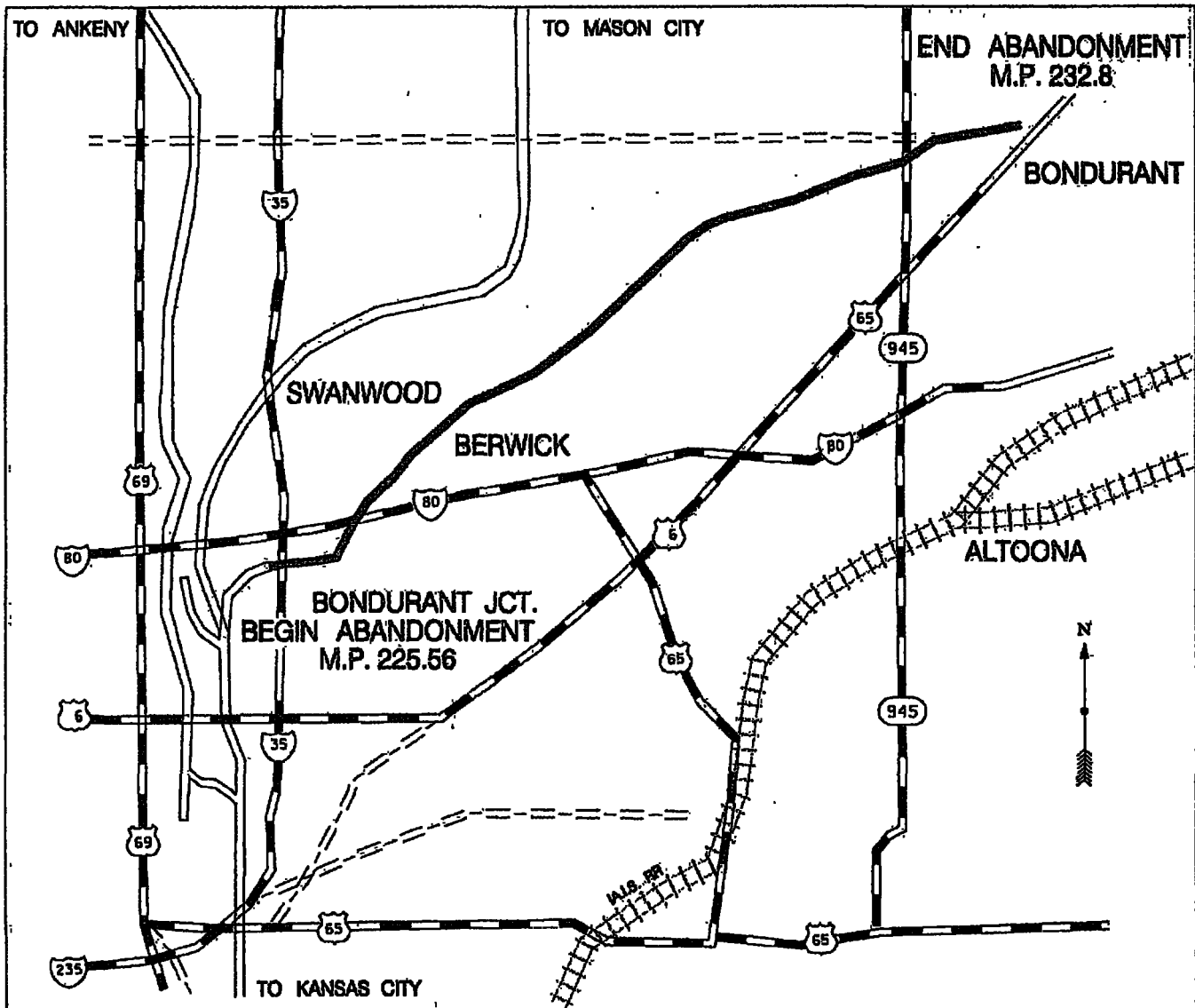
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad Company, Colleen Graham, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-1643.

Yours truly,


Colleen K. Graham



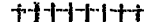



Attachment



STATION	MILE POST	AGENCY
BONDURANT	222.8	NO

NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

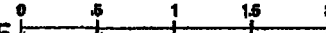
LEGEND

-  RR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  50+ YEAR OLD STRUCTURES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

Bondurant Industrial Lead

M.P. 225.56 TO M.P. 232.80
A TOTAL OF 7.24 MILES
IN POLK COUNTY, IOWA

UNION PACIFIC RAILROAD BONDURANT INDUSTRIAL LEAD

SCALE  MILES



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

September 30, 2009

Colleen Graham
Union Pacific Railroad Company
1400 Douglas St.
Mail Stop 1580
Omaha, NE 68179

RE: Environmental Review for Natural Resources
Proposed Abandonment of the Bondurant Industrial Lead from MP 225.56 near Berwick to MP 232.80 near Bondurant, a distance of 7.24 miles in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 248X)
Section 3, 4, 8, 9, 17, 18, Township 79N, Range 23W
Section 34-36, Township 80N, Range 22W
Section 31, Township 79N, Range 22W

Dear Ms. Graham:

Thank you for inviting Department comment on the impact of this project. The project terminus at MP 232.8 is in close proximity to the Department-owned US Highway 65 Wildlife Management Area in Section 29, Township 80N, Range 22W. Please note that work may not proceed within the property boundary of this area in advance of the receipt of a Sovereign Lands Construction Permit from the Department. Information on the Sovereign Lands program is available from the Department website at <http://www.iowadnr.gov/other/slands.html>.

Mally's Weh-Weh-Neh-Kee Park in Section 8, Township 79N, Range 23W, owned by the Polk County Conservation Board, is within the proposed area of abandonment. The Department encourages you to contact the Polk County Conservation Board to solicit their comments on the project.

The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

Any construction activity that bares the soil of an area greater than or equal to one acre including clearing, grading or excavation may require a storm water discharge permit from the Department. Construction activities may include the temporary or permanent storage of dredge material. For more information regarding this matter, please contact Ruth Rosdail at (515) 281-6782.

The Department administers regulations that pertain to fugitive dust IAW Iowa Administrative Code 567-23.3(2)"c." All persons shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond

the lot line of property during construction, alteration, repairing or demolishing of buildings, bridges or other vertical structures or haul roads. All questions regarding fugitive dust regulations should be directed to Jim McGraw at (515) 242-5167.

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,



Inga Foster
Environmental Specialist
Conservation and Recreation Division

FILE COPY: Inga Foster

Tracking Number: 4009

CC: Polk County Conservation Board, 11407 NW Jester Park Dr., Granger, IA 50109



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

FWS/NWRS-RE - General
Railroad Abandonments

October 1, 2009

Ms. Colleen K. Graham
Union Pacific Railroad
Law Department
1400 Douglas Street Mail Stop 1580
Omaha, Nebraska 68179

Dear Ms. Graham:

Thank you for the opportunity to comment on the proposed abandonment of service on 7.2 miles of railroad line between Milepost 225.56 (near Berwick) and Milepost 232.80 (near Bondurant); in Polk County, Iowa, STB Docket No. AB-33 (Sub-No. 248X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

A handwritten signature in cursive script that reads "Patrick G. Carroll".

Patrick G. Carroll
Senior Realty Officer
Division of Realty



DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS
CLOCK TOWER BUILDING - P.O. BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO
ATTENTION OF

<http://www.mwr.usace.army.mil>

September 23, 2009

Operations Division

SUBJECT: Proposed abandonment of the Bondurant Industrial Lead from Milepost 225.56 near Berwick to Milepost 232.80 near Bondurant, Iowa, a distance of 7.24 miles in Polk County, Iowa.

Ms. Colleen Graham
Union Pacific Railroad Company
1400 Douglas Street, STOP 1580
Omaha, Nebraska 68179

Dear Ms. Graham:

Our office reviewed your letter, received September 18, 2009, regarding the above subject line and offer the following comments;

- 1) If your project involves the placement of dredged and or fill material in wetlands or waters of the U.S., a DA 404 permit will be required. A permit would also be required if there are any changes or modifications to any streams or rivers.
- 2) To determine if any wetlands are present, you should have a wetland delineation performed for the project area. The wetland delineation should be done in accordance with the Corps 1987 Wetland Delineation Manual and Midwest Regional Supplement.
- 3) If wetlands are present, submit a Joint Application and include the acreages of wetlands to be impacted and a statement as to how wetlands will be avoided and/or minimized.
- 4) You should contact the Iowa DNR regarding the floodplain permit issue.

Should you have any questions, please contact Mr. Albert Frohlich in our Regulatory Branch by letter or telephone at 309/794-5859.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna M. Jones".

Donna M. Jones, P.E.
Chief, Enforcement Section
Regulatory Branch

Enclosure

Copy Furnished:

**Ms. Christine Schwake
Iowa Department of Natural Resources
Water Resources Section-Water Quality
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034**